

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ulf TILSTAM et al.

Examiner: Elli PESELEV

Serial No.: 09/471,040

Group Art Unit: 1623

Filed: December 23, 1999

Title: PROCESS FOR THE PRODUCTION OF FLUDARABINE-PHOSPHATE LITHIUM, SODIUM, POTASSIUM, CALCIUM AND MAGNESIUM SALTS AND PURIFICATION PROCESS FOR THE PRODUCTION OF FLUDARABINE-PHOSPHATE AND FLUDARABINE-PHOSPHATE WITH A PURITY OF AT LEAST 99.5%

REPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following rebuts the various new points now made by the examiner in the office action of August 17, 2007. Because the examiner provides an entirely new basis for rejection, relying on a different portion of the Butler reference, the next office action should not be made final.

The double patenting rejections are rendered moot by the accompanying terminal disclaimer.

Blumbergs Teaches Away from Recrystallization in General

For clarity, the passage at issue from Blumbergs is again reproduced:

In view of the extensive handling in the last step, a final recrystallization was necessary to remove any inadvertently-introduced water-insoluble impurities. The acidic product is, however, unstable in hot water. Some decomposition occurs during the recyrstallization and no real improvement in purity results. With careful handling in the last step, it is possible that the final recystallization can be avoided.